UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,564	09/27/2001	Robert H. Halstead JR.	09612.1035-00000	3785

7590	03/15/2005

James M. Smith, Esq.
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
Two Militia Drive
Lexington, MA 02421-4799

EXAMINER
AMINI, JAVID A

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 November 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Terminal Disclaimer

The terminal disclaimer filed on November 05, 2004 has been recorded.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-48 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "elastic properties" in claims 1-12, 16-24, 28-36, 40-48 comprises stretch and compression properties. Questions: Does Applicant mean subtraction and addition related to the term "elastic"? Does Applicant mean the term stretch is similar to the mathematical addition? Does Applicant mean the term compression is similar to the mathematical subtraction? What are the limitations for stretch and compression properties? What are the stress- strain relation in respect to stretch and compression properties?

In regard to claims 1-48, Applicant uses the terms the first and second graphical objects. The following questions rose by Examiner: Do the first and second graphical objects display simultaneously or the first graphical objects displayed first and then the second graphical object displayed later? Do they have similar properties? Do they overlap, if they do what are the properties for overlapping of two objects?

In the claims 11, 19, 23, 31, 35, 43 and 47 Applicant uses the term "coefficient" but does not specify the range of the value of the coefficient. Question: How does Applicant specify the coefficient?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-48 rejected under 35 U.S.C. 102(e) as being anticipated by Gibson.

1.   Claims 1, 13, 25, 37.

Gibson in the abstract teaches the step of following preamble: A method for processing graphical

objects for layout, comprising: Gibson in figs. 2-3 illustrates (first through fourth graphical

objects) the steps of "defining a first graphical object and a second graphical object, the first

graphical object having a first size preference and the second graphical object having a second

size preference, the first and second size preferences each comprising a size and elastic

properties;" Also Gibson in col. 10 lines 45-59 teaches the system energy depends on the spacing

between elements and the elastic properties of the object. A fully elastic object can be deformed,

but it tries to return to its original shape. Gibson in col. 10 lines 45-59 inherently teaches the step

of "subtracting the second size preference from the first size preference, resulting in a resultant

size preference dependent on the size preferences of the graphical objects". Examiner's

comment: Gibson uses the method of "a stencil" in fig. 2 that inherently covers the step of

subtraction/addition/multiplication and division in the claim. For more information, see cited

Examiner's reference with title of "Model analysis of RBC flow through diverging and

converging microvascular bifurcations" pages 55-69.

2.   Claims 2, 14, 26, 38.

"The method of claim 1, further comprising: computing the size of the resultant size preference

by subtracting the size of the second size preference from the size of the first size preference."

See rejection of claim 1.

3.   Claims 3, 15, 27, 39.

"The method of claim 2, wherein the size of the resultant size preference has a minimum value

of zero." It is inherent, when there is no difference between two graphical objects.

4.   Claims 4-12, 16-24, 28-36, 40-48.

The elastic properties in the claims 4-12, 16-24, 28-36, 40-48 comprise of stretch properties and

compression properties. The step of the claim 4 "determining the compression properties ... " is

inherent because is similar to step of "subtracting", and the reference Gibson in col. 10 lines 45-

59 teaches the system energy depends on the spacing between elements and the elastic properties

of the object. A fully elastic object can be deformed, but it tries to return to its original shape.

Gibson in col. 10 lines 45-59 inherently teaches the step of "subtracting" that equivalent to

compression properties. In the claim 5, the step of "setting the compression properties ..." is

similar to step of "subtracting" but Applicant uses different wording. In the claim 6 the step of

"setting the compression properties ...." is similar to step of "subtracting". In the claims 11, 19,

23, 31, 35, 43 and 47 Applicant uses the term "coefficient" but does not specify the value of that

coefficient and the reference Gibson in col. 10 lines 15-35 teaches coefficient for x and y.

Examiner's comment: in order to remove a number from another number or subtracting an object

from another object, one must be greater or equal from another. Applicant needs to reply to this

comment in order to make it clear for the Examiner. Applicant uses the same concept but

different wording in the claims 7-12,16-24, 28-36, 40-48, and Examiner would have similar
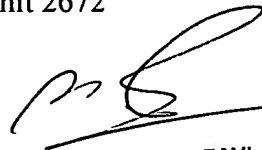
arguments.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The

examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini
Examiner
Art Unit 2672

Javid Amini

MICHAEL RAZAVI
PATENT EXAMINER
TECHNOLOGY CENTER 2600